

HOUSE BILL 44

C3

2lr0788

(PRE-FILED)

By: **Delegate Waldstreicher**

Requested: October 26, 2011

Introduced and read first time: January 11, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Coverage of In Vitro Fertilization Services**

3 FOR the purpose of altering the circumstances under which certain insurers, nonprofit
4 health service plans, and health maintenance organizations must provide
5 coverage for certain benefits for outpatient expenses arising from certain in
6 vitro fertilization procedures; providing for the application of this Act; and
7 generally relating to coverage of in vitro fertilization services by health
8 insurers.

9 BY repealing and reenacting, with amendments,
10 Article – Insurance
11 Section 15–810
12 Annotated Code of Maryland
13 (2011 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Insurance**

17 15–810.

18 (a) This section applies to:

19 (1) insurers and nonprofit health service plans that provide hospital,
20 medical, or surgical benefits to individuals or groups on an expense-incurred basis
21 under health insurance policies that are issued or delivered in the State; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) health maintenance organizations that provide hospital, medical,
2 or surgical benefits to individuals or groups under contracts that are issued or
3 delivered in the State.

4 (b) (1) An entity subject to this section that provides pregnancy-related
5 benefits may not exclude benefits for all outpatient expenses arising from in vitro
6 fertilization procedures performed on the policyholder or subscriber or dependent
7 spouse of the policyholder or subscriber.

8 (2) The benefits under this subsection shall be provided:

9 (i) for insurers and nonprofit health service plans, to the same
10 extent as the benefits provided for other pregnancy-related procedures; and

11 (ii) for health maintenance organizations, to the same extent as
12 the benefits provided for other infertility services.

13 (c) Subsection (b) of this section applies if:

14 (1) the patient is the policyholder or subscriber or a covered dependent
15 of the policyholder or subscriber;

16 (2) the patient's oocytes are fertilized with the patient's spouse's
17 sperm;

18 (3) (i) the patient and the patient's spouse have a history of
19 infertility of at least [2 years] **1 YEAR'S** duration; or

20 (ii) the infertility is associated with any of the following medical
21 conditions:

22 1. endometriosis;

23 2. exposure in utero to diethylstilbestrol, commonly
24 known as DES;

25 3. blockage of, or surgical removal of, one or both
26 fallopian tubes (lateral or bilateral salpingectomy); or

27 4. abnormal male factors, including oligospermia,
28 contributing to the infertility;

29 (4) the patient has been unable to attain a successful pregnancy
30 through a less costly infertility treatment for which coverage is available under the
31 policy or contract; and

1 (5) the in vitro fertilization procedures are performed at medical
2 facilities that conform to the American College of Obstetricians and Gynecologists
3 guidelines for in vitro fertilization clinics or to the American Fertility Society minimal
4 standards for programs of in vitro fertilization.

5 (d) An entity subject to this section may limit coverage of the benefits
6 required under this section to three in vitro fertilization attempts per live birth, not to
7 exceed a maximum lifetime benefit of \$100,000.

8 (e) Notwithstanding any other provision of this section, if the coverage
9 required under this section conflicts with the bona fide religious beliefs and practices
10 of a religious organization, on request of the religious organization, an entity subject to
11 this section shall exclude the coverage otherwise required under this section in a
12 policy or contract with the religious organization.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
14 policies and contracts issued, delivered, or renewed in the State on or after October 1,
15 2012.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2012.